

AO 442 (Rev. 11/11) Arrest Warrant

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

UNITED STATES DISTRICT COURT

JUL 25 2019

for the

Middle District of Alabama

JAMES W. MCCORMACK, CLERK

By: [Signature]
DEP CLERK

United States of America

v.

Case No. 2:15cr341-LSC-01

ED AR # 4:19mj190-BD

Henry Montgomery
Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Henry Montgomery

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Pretrial Release Violation Petition
☐ Order of the Court

This offense is briefly described as follows:

- 1) Failure to notify the probation officer of change of address
- 2) Failure to notify the probation officer of change in employment
- 3) New law violation conduct

COPY

ORIGINAL WARRANT ON FILE.

Date: 1/10/19

THIS COPY FOR INVESTIGATIVE

Issuing officer's signature

City and state:

Montgomery, AL

PURPOSES ONLY

Debra P. Hackett, Clerk of Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title


United States District Court

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

for

JUL 25 2019

Middle District of Alabama

JAMES W. MCCORMACK, CLERK
By: 
DEP CLERK

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Henry Montgomery

Case Number: 2:15cr341-LSC

Name of Sentencing Judicial Officer: The Honorable L. Scott Coogler, United States District Judge

Date of Original Sentence: January 12, 2017

Original Offense: Failure to Register as a Sex Offender

Original Sentence: Thirty (30) months custody followed by a five (5) year term of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: September 22, 2017

Assistant U.S. Attorney: Hollie Worley Reed

Defense Attorney: Cecilia Vaca

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons
☒ That the petition filed on July 27, 2018, (Doc. No. 46), be amended

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number

Nature of Noncompliance

**Violation 1—
Standard**

Condition #3:
“You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change...”

On July 24, 2018, the probation officer attempted to make contact with Henry Montgomery at his residence (RESTOR Shelter) and was informed that Montgomery was no longer at the facility. The director (Reverend Dixon) advised that Montgomery left the facility last week (week of July 16) and has not returned. Montgomery's whereabouts were unknown to the probation officer until his arrest on July 31, 2018 by the U. S. Marshals Service.

ATTEST: A True Copy.
Certified to 1/18, 20 19
Clerk, U.S. District Court,
Middle District of Alabama

BY 

Deputy Clerk

RECEIVED
2019 JAN 18 AM 11:17
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

RE: Montgomery, Henry
Dkt. # 2:15c341-LSC
PROB 12C

Violation 2—

Condition #4:
"You must answer truthfully the questions asked by your probation officer."

On July 31, 2018, Henry Montgomery informed the probation officer that he obtained employment at Koch Foods and he had been working from 10:00 p.m. until 6:00 a.m. The probation officer made contact with the Human Resource department of Koch Foods and was informed that Montgomery was not an employee.

Violation 3—Mandatory

Condition #3:
"You must refrain from any unlawful use of a controlled substance..."

On July 31, 2018, Henry Montgomery admitted to the probation officer that he used marijuana on July 6, 2018. Montgomery signed an admission of use form.

Violation 4— Standard

Condition #5:
“You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change...”

At a revocation hearing on November 6, 2018, Montgomery's conditions were modified to require that he reside at Vineyard Homes beginning December 1, 2018. On January 11, 2019, the probation officer attempted to make contact with Henry Montgomery at his residence (Vineyard Homes) and was informed that Montgomery had not been at the facility for the past two weeks. Montgomery did not have permission from the probation officer to leave Vineyard Homes. He has failed to return and his whereabouts are unknown to the probation officer at this time.

Violation 5—Standard

Condition #7:
"You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so."

On January 11, 2019, the probation made contact with the owner (Rob Morrison) of Landscape Associates to inquire about the offender's whereabouts. He informed the probation officer that Montgomery never reported to work after he was released from jail on December 1, 2018.

RE: Montgomery, Henry
Dkt. # 2:15cr00341-LSC
PROB 12C

Violation 6—
Mandatory
Condition #1:
“You must not
commit another
federal, state or
local crime.”

On January 11, 2019, the probation officer was made aware that Henry Montgomery has not resided at Vineyard Homes for several consecutive days. Montgomery is required to notify local law enforcement immediately and update the information in each county which he resides. Montgomery is considered to have vacated his residence at Vineyard Homes as he has resided elsewhere three or more consecutive days without notifying local law enforcement. His conduct violates 15-20A-10 of the Alabama Sex Offender Registration and Community Notification Act.

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked.
- ☐ extended for _____ years, for a total term of _____ years.
- ☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/17/2019

by /s/ Marcus Simmons
Senior United States Probation Officer

Date: January 17, 2019

Reviewed and approved by: /s/ David Ron Thweatt
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other
- ☐ That the petition filed on July 27, 2018 (Doc. No. 46), is amended once again, having previously been amended on August 13, 2018 (doc. 63).

/s/ L. Scott Coogler
UNITED STATES DISTRICT JUDGE

1/18/2019
Date